

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,755	SCHMIDT ET AL.	
	Examiner	Art Unit	
	Jared J. Fureman	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the papers filed on 10/7/2004.
2.  The allowed claim(s) is/are 120-126.
3.  The drawings filed on 07 October 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **DETAILED ACTION**

Receipt is acknowledged of the terminal disclaimer, drawing changes, and amendment, filed on 10/7/2004, all of which have been entered in the file. Claims 120-126 are pending.

#### ***Drawings***

1. The drawings were received on 10/13/2004. These drawings are acceptable to the examiner.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 10/7/2004 disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of U.S. Patent numbers 6,283,375 and 6,595,420 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Allowable Subject Matter***

3. Claims 120-126 have been allowed over the prior art of record.

4. The following is an examiner's statement of reasons for allowance: The prior art or record, taken alone or in combination, fails to teach or fairly suggest: an automatically-activated bar code symbol reading device including a manually-activatable data transmission switch integrated with the hand-supportable housing for generating a data transmission activation control signal in response to activation of the manually-activatable data transmission switch, wherein during the first and second scanning modes the symbol character data string, produced at substantially the same time when the data transmission control activation signal is generated, is transmitted to

the host system, in combination with the other claimed limitations as set forth in the claims.

While manually-activatable data transmission switches are well known in the prior art, the prior art either transmits the bar code data immediately after reading the data (for example, a "trigger" on the bar code reader is pulled, the bar code is scanned and then the data is transmitted) (see Kahn et al US 5,600,121, column 7 lines 49-51, column 11 lines 19-28, and Madan et al US 5,496,992, column 9 lines 45-61 and column 10 lines 10-15) or transmits stored data of previously read codes (for example, previously read bar code data is transmitted upon the actuation of a data transmission switch) (see Wakatsuki et al US 5,065,003, see column 2 lines 15-25, and column 10 lines 62-67). The prior art of record fails to teach repeatedly scanning a bar code, repeatedly generating information from the code, and transmitting only the information generated at substantially the same time the manually-activatable data transmission switch is activated to generate a data transmission control activation signal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilz, Sr. et al (US 6,772,949), Wilz, Sr. et al (US 6,783,075), and Wilz, Sr. et al (US 0004/0089721), all teach bar code reading systems having a data

transmission activation switch. Madan et al (US 5,496,992) teaches a bar code reader including a trigger which, when activated, causes the reader to scan a bar code and then transmit the data. Wakatsuki et al (US 5,065,003) teaches a bar code reader including a data transmission switch that, when activated, causes the reader to transmit previously read data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Jared J. Fureman*  
Jared J. Fureman  
Examiner  
Art Unit 2876

October 30, 2004